IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12000 of 2004

Between:

1. Gaddam Venkata Swamy, S/o. Durgaiah,
   R/o. Ambedkar Nagar locality, Siricilla Town,

   Karimnagar District.
2 Patti Kumar Raju, S/o. Bhoomaiah,
   R/o. H.No. 8-5-98, Old Shanthi Nagar locality of
   Siricilla Town, Karimnagar District.

..... PETITIONERS

AND

1. The District Collector-cum-Chairman,

Dist. S.C. Service Co-Operative Society Ltd.

Karimnagar.
2 The Executive Director,

Dist. S.C. Service Co-Operative Society Ltd.

Karimnagar.
3 The Commissioner,

Municipal Council, Siricilla, Karimnagar District.
4 Narmeta Swamy, S/o. Rajaiah,
   R/o. Ambedkar Nagar locality of Siricilla Town,

Karimnagar District.
5 Gayara Aparna Devi, W/o. Hanmanthu,
   R/o. Gandhi Nagar Locality of Siricilla Town,

Karimnagar District.
6 Sandekari Pedda Bhoomaiah, S/o. Gangaram,

R/o. Gandhi Nagar locality of Siricilla Town,

Karimnagar District.

7 Akunuri Vishnu Prasad, S/o. Mallaiah,
R/o. Ambedkar Nagar locality of Siricilla Town,

Karimnagar District.

8 Silumula Raju, S/o. Pochaiah,
R/o. Ambedkar Nagar locality of Siricilla Town,

Karimnagar District.

9 Babu Jagjeevan Ram Society,

Venkateshwar Temple Road,

Siricilla, Dist. Karimnagar,
rep by its President Gaddam Nagaraju,

S/o. Pochaiah, 30 years, R/o. Gandhi Nagar locality

of Siricilla Town, Karimnagar District.

10 Akunuri Devaiah, S/o. Venkataiah,
R/o. Ambedkar Nagar locality of Siricilla Town,

Karimnagar District.

11 Naini Shankaraiah, S/o. Gangaram,
R/o. Ambedkar Nagar locality of Siricilla Town,

Karimnagar District.

12 Sirigiri Rama Chandram, S/o. Shankaraiah,
R/o. Sanjeevaiah Nagar locality of Siricilla Town,

Karimnagar District.

13 Sirigiri Bala Raju, S/o. Mallaiah,
R/o. Sanjeevaiah Nagar locality of Siricilla Town,

Karimnagar District.

14 Naini Swarna Jyothi, W/o. Shankaraiah,
R/o. Ambedkar Nagar locality of Siricilla Town,

Karimnagar District.

15 Pallati Shoba Rani, W/o. Mallesham,
R/o. Sanjeevaiah Nagar locality of Siricilla Town,

Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ more particularly one in the nature of writ of Mandamus declaring the selections of respondents 4 to 15 for allotment of shops on lease in the shopping complexes of the 3rd respondent at vegetable market and old bus stand area of Siricilla Town of Karimnagar, made by the respondents 1 to 3 in Proc. No. 168/B4/2004 dated 02-07-2004 and not selecting the petitioners for the allotment of the said shops, as illegal, arbitrary and bias and against the principles of

natural justice and set aside the same and consequently direct the respondents 1 to 3 herein to conduct fresh selections for allotment of above shops.

Counsel for the Petitioners: MR.T.BHEEMSEN & T.V.PRANAI KUMAR

Counsel for the Respondents1 & 2: Mr.M.V.S.Suresh Kumar

Counsel for the Respondent No.3: R. Thimma Reddy, S.C. for Mun.Council

Counsel for the Respondents5,7,9,12,& 15: Mr.D. Linga Rao

The Court made the following :

THE HONOURABLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.12000 OF 2004

ORDER:

Petitioners are seeking a Writ of Mandamus declaring the selection of respondent Nos.4 to 15 for allotment of shops on lease in a shopping complex of third respondent at Vegetable Market, Old Bus Stand Area of Siricilla town of Karimnagar made under the proceedings of the respondents 1 to 3 dated 2.7.2004 as arbitrary and illegal.

The case of the petitioners is that third respondent constructed shopping complex at Vegetable Market, Old Bus Stand area of Siricilla town of Karimnagar district and

decided to allot 12 shops in the said complex on lease to Scheduled Caste people under reservation quota. A publication was issued by the third respondent inviting applications for the said purpose and 43 applications were received including the applications of the petitioners. All the applications were forwarded to the first respondent Society for selecting the eligible candidates so as to allot the shops. Accordingly, second respondent issued call letters dated 17.6.2004 to the applicants calling upon them to attend interviews on 24.6.2004. Interviews were accordingly held on 24.6.2004 in which both the petitioners participated alongwith other candidates. Thereafter the second respondent communicated the list of selected candidates through proceedings dated 2.7.2004 to the third respondent and requested him to allot the shops to the said persons. The selected candidates are arrayed as respondents 4 to 15 in this writ petition.

The petitioners allege that respondents 2 and 3 without considering the merits and demerits of the candidates appeared for the interview erroneously selected respondents 4 to 15 ignoring the claims of the candidates possessing better qualifications. It is further alleged that among all the candidates who appeared for interviews, the petitioners are highly qualified and that they belong to Scheduled Caste, however ignoring the same respondents 2 and 3 have selected the respondents 4 to 15. It is also specifically alleged that the respondents 11 and 14 are the husband and wife and respondents 12 to 15 who were selected under Scheduled Caste (C) quota studied only upto 10^{th} class. Thus according to the petitioners, the respondents 2 and 3 are not at all justified in selecting respondents 4 to 15 ignoring the candidates who possess better qualification. Hence, this writ petition contending that the entire selection process is biased and thus vitiated and is liable to be set aside.

This Court while granting time to the respondents to file their counter affidavits by an order dated 14.7.2004 directed the respondents not to hand over the shops to the selected candidates. Thereafter detailed counter affidavits have been filed on behalf of the respondents 1 and 2 and also by respondent No.3. On behalf of the respondents 1 and 2, the Executive Director, District S.C. Service Cooperative Society Limited, Karimnagar filed a detailed counter affidavit stating that a committee has been constituted for the purpose of selections and that the said committee consists of Municipal Commissioner, Siricilla Municipality and the Mandal Revenue Officer, Siricilla Mandal apart from one Assistant Project Officer from District

Industries Centre as well as the Executive Director of District Scheduled Caste Co-operative Society Limited, Karimnagar. The committee after conducting interviews have selected 12 eligible candidates and the list of selected candidates has been approved by the first respondent. Thereafter, the first respondent by proceedings dated 2.7.2004 requested third respondent to allot shops to the selected candidates and that in the meanwhile a complaint from A.P. Ambedkar Yuvajana Sangam District Branch was received on 8.7.2004 alleging certain irregularities in the selection process. Immediately the second respondent addressed a letter dated 12.7.2004 to the Municipal Commissioner, Siricila requesting him not to allot the shops to the selected candidates and requested him to make enquiries in the selections. The Municipal Commissioner, Siricilla vide his letter dated 15.7.2004 sent his enquiry report, which is placed before the District Collector for taking necessary action in the matter after serving notices to the candidates who were allotted shops as per the selection made by the selection committee. The entire matter is pending before the first respondent. It is further stated that as per the self employment scheme guidelines issued by the A.P. Scheduled Caste Finance Co-operative Society, the District Societies can consider the proposals of individuals, partnership, Co-operative Societies or firm or legal association to undertake income generating capacity subject to income criteria of the caste and that the selection committee after verifying the various resolutions passed by the 9th respondent Society, considered the applications and recommended its case for allotment of shops. So far as the allegations against the respondents 11 and 14 are concerned, it is stated that the allegation is found to be true as per the enquiry report submitted by the third respondent and District Society will take steps to cancel the allotments made either to respondent no.11 or 14 after issuing notice to them.

A separate counter has been filed on behalf of the third respondent on the same lines.

As can be seen from the counter affidavits respondent Nos.1 to 3 have already initiated enquiry into the selection process and a report has been submitted by third respondent commissioner and the issue is now pending before the first respondent. It is also stated in the counter affidavit that necessary action will be taken in the matter after serving notice to the selected candidates. In the light of the counter-affidavits filed by the respondents 1 to 3 and keeping in view that an enquiry into the selection process has already been initiated and the same is pending before

the 1st respondent, no further adjudication is necessary in the writ petition except to direct the first respondent-District Collector to complete the said enquiry, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order and to pass appropriate orders after affording an opportunity of being heard to both the petitioners herein as well as to the selected candidates. It is made clear that till the enquiry is completed and appropriate orders are passed, the interim order dated 14.7.2004 shall continue and the shops in question shall not be handed over to the selected candidates.

With the above directions, the writ petition is disposed of. No costs.

12.8.2004.

Note:

Issue C.C. by 16.8.2004.

B/o.

mdaa.

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SECTION OFFICER

To

1. The District Collector-cum-Chairman,

Dist. S.C. Service Co-Operative Society Ltd.

Karimnagar.

2 The Executive Director,

Dist. S.C. Service Co-Operative Society Ltd.

Karimnagar.

3 The Commissioner,

Municipal Council, Siricilla, Karimnagar District.

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